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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,632

09/23/2003

Seung June Yi

2101-3054

2199

35884

7590

09/25/2008

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EXAMINER

WONG, BLANCHE

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

09/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/668,632	YI ET AL.	
	Examiner	Art Unit	
	Blanche Wong	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-26, 29-31, 34-36 and 39-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-26, 29-31, 34-36, 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/2/08, 8/18/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Examiner acknowledges that certified copiers of priority documents were received by the USPTO on May 11, 2004.

Response to Arguments

2. Applicant's arguments with respect to claims 13-26,29-31,34-36,39-41 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method of claim 13, including the step of selecting one of the three transmission states for transmitting data based on at least one state transition condition, the method of claim 22, the method of claim 29, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Objections

4. Claims 14,22,24,29,31,34 are objected to because of the following informalities:

With regard to claim 14, Examiner suggests replacing "any one of the transmission states" in line 1 with "any one of the three transmission states" in consistent with claim language.

With regard to claim 14, Examiner suggests replacing “transition” in line 2 with “transitions” in consistent with “any one of the three transmission states”.

With regard to claim 22, Examiner suggests replacing “the information” in line 5 with "wherein the information transmitted one the second shared physical channel" in consistent with " wherein the information transmitted one the second shared physical channel" in line 8.

With regard to claim 24, Examiner suggests replacing “first point-to-multipoint service data” in line 2 with “the first point-to-multipoint service data”.

With regard to claim 29, Examiner suggests removing the word “and” in line 6 and changing the comma at the end of line 12 before "receiving a second point-to-multipoint service data" into a semicolon.

With regard to claim 31, Examiner suggests replacing “to process” in line 2 with "for said processing”.

With regard to claim 34, Examiner suggests replacing “the information” in line 6 with "wherein the information transmitted one the second shared physical channel" in consistent with " wherein the information transmitted one the second shared physical channel" in line 8.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 13-26,29-31,34-36,39-41** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 13, it is unclear how this claim is a method of providing a point-to-multipoint service when one of the three transmission states, if selected, transmits data and control information in a point-to-point manner.

With regard to claim 22, it is unclear how this claim is a method of providing a single point-to-multipoint service when there are the first and second point-to-multipoint service data transmissions.

With regard to claim 26, it is unclear how “a plurality of codes are used for the first point-to-multipoint service data transmitted on the first shared physical channel” or whether it means “a plurality of codes is used for said transmitting the first point-to-multipoint service data on a first shared physical channel”.

With regard to claim 29, it is unclear how this claim is a method of providing a single point-to-multipoint service when there are the first and second point-to-multipoint service data receptions.

With regard to claim 29, it is unclear what the second “processing the second point-to-multipoint service data received on the second shared physical channel” in lines 15-16 uses when the first “processing the first point-to-multipoint service data received on the first shared physical channel is using the information received on the second shared physical channel” in lines 7-8.

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With regard to claim 34, it is unclear how this claim is providing a single point-to-multipoint service when there are the first and second point-to-multipoint service data transmissions.

With regard to claim 36, it is unclear how “the first transmission module uses a plurality of codes for the first point-to-multipoint service data transmitted on the first shared physical channel” or whether it means “the first transmission module uses a plurality of codes for transmitting the first point-to-multipoint service data on a first shared physical channel”.

With regard to claim 39, it is unclear how this claim is providing a single point-to-multipoint service when there are the first and second point-to-multipoint service data receptions.

7. There is insufficient antecedent basis for this limitation in the claim.

Claim 22, line 12, “second point-to-multipoint service data”.

Claim 34, line 12, “second point-to-multipoint service data”.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. **Claims 13-26** are rejected under 35 U.S.C. 102(b) as being anticipated by admitted prior art.

With regard to claim 13, admitted prior art discloses establishing a first transmission state (**DSCH**), a second transmission state (**FACH**), and a third transmission state (**DCH**) for transmitting data to a plurality of terminals, wherein the first transmission state transmits data and control information to a plurality of terminals in a point-to-multipoint manner at a common channel (**DSCH is a shared channel on which several users can be time multiplexed, p.7, lines 3-4**), the second transmission state transmits data and control information to a plurality of terminals in a point-to-multipoint manner at separate common data and common control channels (**FACH is shared by several users, Specification, p.7, line 11**), and the third transmission state transmits data and control information to a plurality of terminals in a point-to-point manner (**DCHs are assigned to single users, Specification, p.6, line 22**); and

selecting one of the three transmission states for transmitting data based on at least one state transition condition (**depends whether closed-loop power control is exerted, Specification, p.7, line 12**),

wherein the at least one state transition condition comprises transmission power required for transmitting the data (**closed-loop power control**).

With regard to claims 22 and 34, admitted prior art discloses (**"The Node-Bs 112,113,122,123, ... receive information sent by the physical layer of a terminal 10**

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through an uplink and transmit data to a terminal 10 through a downlink",

Specification, p.3, lines 9-14)

transmitting **(downlink)** first point-to-multipoint service data to a plurality of terminals on a first shared physical channel **(DSCH) (DSCH is a shared channel on which several users can be time multiplexed, p.7, lines 3-4);** and

transmitting information on a second shared physical channel **(DCH) (to access DSCH services must have an associated DCH that is active, Specification, p.7, line 7),**

wherein the information transmitted on the second shared physical channel is associated with the first point-to-multipoint service data transmitted on the first shared physical channel **(associated DCH) (to access DSCH services must have an associated DCH that is active, Specification, p.7, line 7),**

wherein the information transmitted on the second shared physical channel includes at least one of reception indicator information, channel code information, pilot bits, or information regarding the number and size of the first point-to-multipoint service data transmitted on the first shared physical channel **(physical layer signaling) (The DCH must be activated to allow the access to the DSCH and to carry physical layer signaling, Specification, p.7, lines 8-10) (See A/so "For each one of the above channel, different combinations of spreading factor and code rate can provide the bandwidth and the protection required for different data services and communication environments", Specification, p.7, lines 14-16).**

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With regard to claims 29 and 39, admitted prior art discloses (**"The Node-Bs 112,113,122,123, ... receive information sent by the physical layer of a terminal 10 through an uplink and transmit data to a terminal 10 through a downlink", Specification, p.3, lines 9-14)**

receiving (**uplink**) first point-to-multipoint service data to a plurality of terminals on a first shared physical channel (**DSCH**) (**DSCH is a shared channel on which several users can be time multiplexed, p.7, lines 3-4**);

receiving information on a second shared physical channel (**DCH**) (**to access DSCH services must have an associated DCH that is active, Specification, p.7, line 7**),

wherein the information transmitted on the second shared physical channel is associated with the first point-to-multipoint service data transmitted on the first shared physical channel (**associated DCH**) (**to access DSCH services must have an associated DCH that is active, Specification, p.7, line 7**);

processing the first point-to-multipoint service data received on the first shared physical channel using the information received on the second shared physical channel (**associated DCH**) (**to access DSCH services must have an associated DCH that is active, Specification, p.7, line 7**) (**See Also "For each one of the above channel, different combinations of spreading factor and code rate can provide the bandwidth and the protection required for different data services and communication environments", Specification, p.7, lines 14-16**),

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wherein the information received on the second shared physical channel includes at least one of reception indicator information, channel code information, pilot bits, or information regarding the number and size of the first point-to-multipoint service data transmitted on the first shared physical channel **(physical layer signaling) (The DCH must be activated to allow the access to the DSCH and to carry physical layer signaling, Specification, p.7, lines 8-10) (See A/so "For each one of the above channel, different combinations of spreading factor and code rate can provide the bandwidth and the protection required for different data services and communication environments", Specification, p.7, lines 14-16);**

receiving a second point-to-multipoint service data on the second shared physical channel **(another node is receiving) (Node-Bs 112,113,122,123);** and

processing the second point-to-multipoint service data received on the second shared physical channel **(another set of DSCH and DCH).**

Claims 14-21 are dependent from rejected claim 13.

Claims 23-26 are dependent from rejected claim 22.

Claims 30 and 31 are dependent from rejection claim 29.

Claims 35 and 36 are dependent from rejected claim 34.

Claims 40 and 41 are dependent from rejected claim 39.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-

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3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blanche Wong/
Examiner, Art Unit 2619
September 16, 2008

/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2619